

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

STANLEY HERBERT

Plaintiff

vs.

**MILFORD TOWING & SERVICE,
INC., et al.**

Defendants

: CASE NO. **C-1-00-855**
:
: **MAGISTRATE JUDGE HOGAN**
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**DEFENDANTS' MEMORANDUM IN OPPOSITION TO PLAINTIFF'S
MOTION IN LIMINE ON PRIOR CONVICTIONS**

The Plaintiff has raised the issue of Plaintiff's prior convictions and asks this Court to exclude any evidence relating to the same. Defendants oppose this motion on the basis that Plaintiff's prior convictions are relevant to the issue of reputation in the community. The Plaintiff has brought a claim for slander against the Defendants. Part of the issue of slander for the purposes of damages is whether the Plaintiff's reputation in the community has been besmirched. Prior convictions of the Plaintiff are an issue relating to reputation and the amount of damages Plaintiff should be awarded in the event his slander claim is successful. Therefore, Defendants respectfully request that Plaintiff's motion be denied.

RESPECTFULLY SUBMITTED,

/s/ Mark J. Byrne

MARK J. BYRNE - #0029243

JACOBS, KLEINMAN, SEIBEL & MCNALLY

Attorney for Defendant

Milford Towing & Service, Inc.

2300 Kroger Building

1014 Vine Street

Cincinnati, OH 45202

Tele (513) 381-6600

Fax (513) 381-4150

E-Mail: mbyrne@jksmlaw.com

CERTIFICATE OF SERVICE

I hereby certify that on October 20, 2003, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jennifer Lynn Branch
Laufman & Gerhardstein
Attorney for Plaintiff Stanley Herbert
Herbert
1409 Enquirer Building
617 Vine Street
Cincinnati, OH 45202
[Jbranch@laufgerhard.com](mailto:jbranch@laufgerhard.com)

Robert Franklin Laufman
Laufman & Gerhardstein
Attorney for Plaintiff Stanley
1409 Enquirer Building
617 Vine Street
Cincinnati, OH 45202
rlaufman@laufgerhard.com

I also hereby certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

James A. Hunt, Hunt
Hunt, Nichols & Schwartz
Attorney for Defendant Quentin Klute
97 Main Street
Batavia, Ohio 45103

/s/ Mark J. Byrne

MARK J. BYRNE - #0029243

Attorney for Defendant

Milford Towing & Service, Inc.